



UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Carolyn A. Paden

Art Unit: 1761

In re:

Applicant: Anatoly TSYB

Serial No.: 10/779,997

Filed: February 18, 2004

TERMINAL DISCLAIMER

I hereby certify that this correspondence is
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12/20/2004
ILYA ZBOROVSKY

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia

Sir:

PETITIONER, *Anatoly TSYB*, et al are the owners of 100% percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full

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statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of Patent No. 6,689,404.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent no. 6,689,404 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent, which might issue on his patent no. 6,689,404 as presently shortened by any terminal disclaimer, in the event that it latter: expires, for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

HEREBY DECLARE AND AFFIRM THAT ALL STATEMENTS made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-named application, any patent issuing thereon, or any patent to which this Declaration is directed.

If the Terminal Disclaimer Fee is missing or insufficient, please charge the Terminal Disclaimer Fee to the account of the undersigned 26-0085.

Respectfully submitted,



Ilya Zborovsky
Agent for Applicant
Reg. No. 28563